

10/766,987

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VANDEN HOEK ET AL.	Examiner:	VENIAMINOV
Serial No.:	10/766,987	Group Art Unit:	3736
Filed:	JANUARY 28, 2004	Docket No.:	11998.18USC3
Title:	DELIVERY OF CARDIAC CONSTRAINT JACKET		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 18, 2004.

By: 

Name: Linda M. Beckman

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 601 Campus Drive, St. Paul, Minnesota 55112, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/766,987, filed on January 28, 2004 and entitled DELIVERY OF CARDIAC CONSTRAINT JACKET, by virtue of our assignment recorded at Reel 010527, Frame 0513.

Petitioner, Acorn Cardiovascular, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,293,906 B1 and 6,579,226 B2 and hereby agrees that any patent so granted on the above-

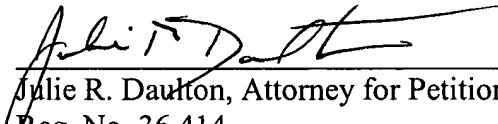
identified application shall be enforceable only for and during such period that the legal title to said patents shall be the same as the legal title to U.S. Patent Nos. 6,293,906 B1 and 6,579,226 B2, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent Nos. 6,293,906 B1 and 6,579,226 B2, in the event that United States Patent Nos. 6,293,906 B1 and 6,579,226 B2 expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney or agent of record.

Date: 18 November 2004




Julie R. Daulton, Attorney for Petitioner
Reg. No. 36,414